

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 )  
Revision of the Commission's Rules ) CC Docket 94-102  
to Ensure Compatibility with Enhanced )  
911 Emergency Calling Systems )

**SUPPLEMENT TO REQUEST FOR DECLARATORY RULING**

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”) hereby submits the following supplement to the “Request for Declaratory Ruling” that it filed on October 6, 2004 (hereinafter “Request”), in the above-referenced proceeding. The Request seeks clarification regarding the geographic area over which a wireless carrier must provide the levels of 9-1-1 location accuracy specified in the Commission’s rules, and the degree to which carriers must provide accuracy data to relevant Public Safety Answering Points (“PSAPs”).

APCO explained in its Request that existing Commission rules and policies are unclear on several key issues related to wireless carriers’ obligations to provide location information to PSAPs. APCO noted that the Emergency Service Interconnection Forum (ESIF) and the Network Reliability and Interoperability Council VII (NRIC VII) had attempted to address some of these issues, but were unable to reach consensus.

Subsequent to the APCO Request, the Commission extended the deadline for NRIC VII to submit its recommendations on these and related issues.<sup>1</sup> APCO

---

<sup>1</sup> See Letter to Nancy Carlsen, Chair, NRIC VII Steering Committee, from Jeff Goldthorp, dated December 28, 2004.

participated actively in the additional deliberations allowed for by the extension.<sup>2</sup>

However, despite substantial efforts by all parties, the deliberations did not lead to a consensus among all major public safety and industry participants. APCO does not concur with the NRIC VII report, as critical issues were left unresolved, deferred, or addressed with vague language. While tentative agreement may have been reached on some issues, those interim agreements were contingent upon a comprehensive consensus that was never achieved. Therefore, APCO once again urges the Commission to provide the necessary guidance to ensure meaningful implementation and enforcement of the wireless E9-1-1 rules.

APCO noted in its Request that, ideally, accuracy compliance and testing should occur at the PSAP service area level, as that is the most relevant measurement for the delivery and processing of 9-1-1 calls. It is of scant benefit to a particular PSAP to know that a carrier may be providing 50/100 meter accuracy for most of its calls across the state (or the carrier's national service area), if the carrier is providing substantially less accurate information for virtually all its calls to that specific PSAP.<sup>3</sup>

The entire concept of wireless E9-1-1 is built upon the premise that PSAPs must receive location information with sufficient accuracy to dispatch emergency personnel quickly and efficiently.<sup>4</sup> That level of accuracy has been defined in the FCC's rules as 50 meters for 67% of calls for carriers using handset-based technology, and 100 meters

---

<sup>2</sup> As many as four APCO representatives attended the meetings.

<sup>3</sup> While the carrier will be required to provide 300 meter accuracy for 95% of calls, such accuracy is of little benefit in many environments.

<sup>4</sup> As APCO noted in its Request, "a variance of 50-100 meters can be the difference between life and death when an emergency occurs on a darkened highway or in a dense residential or commercial area, or anytime when the few extra minutes needed to pinpoint a location are a few minutes too many to save a victim."

for 67% of calls for carriers using network-based technologies. With that expectation, PSAPs across the nation have spent millions of dollars to upgrade their equipment to receive and process wireless E9-1-1 calls. They did not expend those scarce resources so that *other* PSAPs within their state or the nation can receive 50/100 meter accuracy, while they settle for far less accurate, and potentially useless, levels of accuracy.<sup>5</sup>

APCO's Request acknowledged the potential difficulty at the present time of testing accuracy at the PSAP level throughout the nation. Thus, APCO suggested that alternative geographic areas might be appropriate for testing purposes at this time. Importantly, allowing for compliance testing based upon geographic areas larger than a PSAP service area does not excuse carriers from their ultimate responsibilities under the Commission's rules. Nothing should prevent a PSAP from seeking and obtaining appropriate relief from the Commission should a carrier fail to provide the PSAP with E9-1-1 location data that meets the Commission's basic accuracy requirements within its service area.

Since filing its Request, APCO has had an opportunity to examine this issue in further detail, and now proposes that that Metropolitan Statistical Areas (MSAs) and Rural Statistical Areas (RSAs) may provide appropriate boundaries. State-wide compliance testing (as suggested by NRIC VII) is not acceptable, as many states

---

<sup>5</sup> The 33% of calls exceeding the 50/100 meter requirements and the 5% of calls exceeding the 300 meter accuracy requirement can be expected to be disproportionately concentrated within a few PSAPs. To the extent that "testing areas" are made large, then it is conceivable that entire PSAPs could fall within a "exceeds requirement" area, yet the carrier would still be in technical compliance with the overall average performance.

encompass huge areas with greatly divergent geography and population density.<sup>6</sup> MSAs and RSAs are widely accepted and frequently used geographic areas that the FCC has often turned to in its regulations. Moreover, there will usually be relatively uniform population density within a MSA or RSA (unlike a state, in which population could be wildly divergent). Thus, the average accuracy over an MSA or RSA is likely to be in same general range as the accuracy at any specific location (or PSAP) within the MSA or RSA.

In addition to defining the accuracy testing area, the Commission should also require that compliance be re-tested on a two-year basis. Regular re-testing will encourage carriers to continue working toward higher levels of accuracy, while also helping to identify accuracy problems that may develop after initial testing. This would include problems created by otherwise undetected equipment malfunctions and environmental changes that affect accuracy (*e.g.*, urban development that could reduce accuracy for handset-based technologies).

Confidence and uncertainty data is also critical for the effective deployment of wireless E9-1-1 capability.<sup>7</sup> Consistent with appropriate standards, carriers should be equipped to provide PSAPs with confidence and uncertainty information so that PSAPs can respond to 9-1-1 calls knowing in advance whether those calls provide sufficient levels of accuracy to locate the emergency in a timely fashion.

---

<sup>6</sup> While APCO representatives participated in discussions of state level compliance testing within NRIC, those discussions were preliminary, and contingent upon agreement being reached on related issues, which never occurred.

<sup>7</sup> See Petition for Declaratory Ruling and/or Clarification Submitted by the Wireless 911 Board of North Carolina, WT Docket 94-102, filed January 31, 2005.

## CONCLUSION

APCO reiterates its request that the Commission establish clear guidance regarding the relevant geographic area in which wireless carriers must provide and test E9-1-1 accuracy to the levels specified in the Commission's rules.

Respectfully submitted,

/s/

Robert M. Gurss  
Director, Legal & Government Affairs  
APCO International  
1725 DeSales Street, NW  
Suite 808  
Washington, DC 20006  
(202) 833-3800

February 4, 2005